

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RYAN ADAM DIXON,

Petitioner,

v.

MARSHALL FERGUSON, et al.,

Respondents.

CASE NO. C23-828 MJP

ORDER OF DISMISSAL

The Court issues this Order sua sponte (on its own accord) after reviewing Petitioner's "Petition for Non-Statutory Habeas Corpus." (Dkt. No. 1.) The Court DISMISSES Petitioner's petition for lack of subject matter jurisdiction and DISMISSES this action WITH PREJUDICE.

BACKGROUND

Petitioner, who is not in state or federal custody, seeks habeas relief on the theory that he is "being constrained" by an order terminating his parental rights issued by the King County Superior Court. (Dkt. No. 1 at 7.) Though Petitioner does not specify the exact relief he seeks, the Court understands that he ultimately wishes the termination order to be set aside and

1 nullified. Petitioner has named King County Superior Court Judge Marshall Ferguson, Mathew
 2 Goguen, and Jie Goguen as the Respondents. Petitioner asserts that he appealed the termination
 3 order issued by Judge Ferguson to the Washington State Court of Appeals, and lost his appeal.
 4 (Id. at 8.) The Goguen Respondents appear to be the individuals who initiated the proceedings to
 5 terminate Petitioner's parental rights. (Id. at 7.)

6 ANALYSIS

7 A. Legal Standard

8 Federal courts are courts of limited jurisdiction, and are presumptively without
 9 jurisdiction over civil actions. Kokkonen v. Guardian Life Ins. Co. of Am., 511 U.S. 375, 377
 10 (1994). The petitioner bears the burden of establishing his case is properly filed in federal court.
 11 See id. But the Court must independently examine whether it has subject matter jurisdiction over
 12 a claim, and it may dismiss an action sua sponte for lack of jurisdiction. Franklin v. State of Or.,
 13 State Welfare Div., 662 F.2d 1337, 1342 (9th Cir. 1981). "[I]f the court lacks subject matter
 14 jurisdiction, it is not required to issue a summons or follow the other procedural requirements."
 15 Id.

16 Federal courts have jurisdiction where an action arises under federal law, 28 U.S.C. §
 17 1331, or where each plaintiff's citizenship is diverse from each defendant's citizenship and the
 18 amount in controversy exceeds \$75,000, 28 U.S.C. § 1332(a). Here, Petitioner appears to pursue
 19 claims under federal law, invoking the Court's subject matter jurisdiction under 28 U.S.C. §
 20 1331.

21 B. The Court Lacks Subject Matter Jurisdiction

22 There are two independent reasons the Court lacks subject matter jurisdiction.
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1 First, Petitioner cannot pursue a habeas petition because he is not “in custody,” as is
2 required to assert a habeas claim. “The federal habeas statute gives the United States district
3 courts jurisdiction to entertain petitions for habeas relief only from persons who are ‘in custody
4 in violation of the Constitution or laws or treaties of the United States.’” Maleng v. Cook, 490
5 U.S. 488, 490, 109 S. Ct. 1923, 1925, 104 L. Ed. 2d 540 (1989) (quoting 28 U.S.C. § 2241(c)(3)
6 (emphasis added); citing 28 U.S.C. § 2254(a)). As Petitioner here admits, he is not in custody.
7 This is fatal to Petitioner’s habeas petition and the Court lacks subject matter jurisdiction over it.
8 The Court DISMISSES the petition on this basis.

9 Second, even if Petitioner was “in custody,” the Court lacks subject matter jurisdiction
10 under the Rooker-Feldman doctrine. “[T]he Rooker-Feldman doctrine bars suits ‘brought by
11 state-court losers complaining of injuries caused by state-court judgments rendered before the
12 district court proceedings commenced and inviting district court review and rejection of those
13 judgments.’” Carmona v. Carmona, 603 F.3d 1041, 1050 (9th Cir. 2010) (quoting Exxon Mobil
14 Corp. v. Saudi Basic Indust. Corp., 544 U.S. 280, 284, 125 S.Ct. 1517, 161 L.Ed.2d 454 (2005)).
15 “Under Rooker-Feldman, a federal district court does not have subject matter jurisdiction to hear
16 a direct appeal from the final judgment of a state court.” Noel v. Hall, 341 F.3d 1148, 1154 (9th
17 Cir. 2003). Having reviewed the petition, the Court finds that the Rooker-Feldman doctrine
18 applies to Petitioner’s claims because he seeks to appeal the Superior Court’s final judgment
19 terminating his parental rights. Such relief is barred by the Rooker-Feldman doctrine. The Court
20 therefore lacks subject matter jurisdiction to entertain Petitioner’s petition. This is an
21 independent basis on which the Court DISMISSES the petition.
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CONCLUSION

The Court lacks subject matter over the habeas corpus petition for two independent reasons. First, Plaintiff is not “in custody” and therefore cannot pursue habeas corpus relief. Second, even if Plaintiff was “in custody,” the Rooker-Feldman doctrine bars this action because the Petitioner seeks to directly appeal the state court decision terminating his parental rights. On these two independent bases the Court DISMISSES this action. Because these defects cannot be cured through amendment, the Court’s dismissal is WITH PREJUDICE.

The clerk is ordered to provide copies of this order to Petitioner and all counsel.

Dated August 15, 2023.



Marsha J. Pechman
United States Senior District Judge